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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/547,337

09/01/2005

Dominique Gelus

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EXAMINER

RALIS, STEPHEN J

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/547,337

Applicant(s)

GELUS ET AL.

Examiner

Stephen J. Ralis

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/1/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for foreign priority benefit of French Application No. 03/02556, filed 03 March 2003, is acknowledged.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

3. The disclosure is objected to because of the following informalities: page 5, line 29: "Attachment pieces not represented clamp parts..." should read –Attachment pieces, not represented, clamp parts...–.

Appropriate correction is required.

***Claim Objections***

4. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In the instant case, claim 15 recites the exact same limitation of claim 12 and therefore, fails to further limit claim 12.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the skirt" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 2 recites the limitation "the bottom" in line 2. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 5, 11 and 14 recite the limitation "the walls" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5, 8, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuzel et al. (International Publication No. WO 99/37850) (Note: Cuzel et al. (U.S. Patent No. 6,151,815) is utilized as US/English translation equivalency).

Cuzel et al. disclose a steam iron (Title) having a heating soleplate (plate 77; see Figure 15), a steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23), a part (lower half shell 11) having multiple functions constituting at the same time a heat shield (thermal screen) and a skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8), characterized in that the part (lower half shell 11) having multiple functions constitutes at least in part the steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23) above the soleplate (plate 77; see Figure 15).

With respect to the limitations of claim 2, Cuzel et al. disclose the steam iron (Title) having a water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8) with the a part (lower half shell 11) constituting a bottom of the water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8).

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With respect to the limitations of claims 3 and 4, Cuzel et al. disclose the part (lower half shell 11) being made of a resin or polyester (column 1, lines 53-55, column 6, lines 5-7).

With respect to the limitations of claims 5, 8, 11 and 14, Cuzel et al. disclose the skirt of the iron forming walls (annular conformations 23, 33) of the steam chamber (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8).

Cuzel et al. also discloses the use of elastomer seals between the upper and lower half shells (12, 11; EPDM; column 2, lines 49-50; column 5, line 66 – column 6, line 4) being used due to its characteristics of being able to withstand temperatures of the order of 100°C to 150°C while retaining elastic characteristics and a substantial compressibility.

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

***Joint Inventors – Common Ownership Presumed***

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 6, 7, 9, 10, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuzel et al. (International Publication No. WO 99/37850) in view of Santiago et al. (U.S. Patent No. 4,190,762) (Note: Cuzel et al. (U.S. Patent No. 6,151,815) is utilized as US/English translation equivalency).

Cuzel et al. discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for the multifunction part being in contact with the soleplate through elastomer seals.

However, a steam iron comprising seals between a soleplate and multifunction part is known in the art. Santiago et al., for example, teach heated steam iron (see Figure 1) comprising a soleplate (10), a molded plastic casing (18) and an intermediate plastic member (20) functioning as a skirt and part of the walls of the internal water tank (26) (column 3, lines 10-27). Santiago further teaches the need for both seals between the casing members (watertight clamping seal 22) and suitable sealing means (24) between the soleplate (10) and intermediate member (20) to provide a spacing between the soleplate (10) and the intermediate member (20), isolating the soleplate from the water reservoir, thereby increasing the operational longevity of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the silent disclosure of Cuzel et al. with respect to the sealing means of multifunction part to the soleplate with the sealing means of Santiago in order to provide a spacing between the soleplate and the intermediate member isolating the soleplate from the water reservoir, thereby increasing the operational longevity of the device.

With respect to the seal being an elastomer, Cuzel et al. specifically disclose the advantage of utilizing elastomer (EPDM) seals (column 2, lines 49-50; column 5, line 66 – column 6, line 4). Therefore since Cuzel et al. disclose the use of elastomer (EPDM) seals and Santiago et al. teach the use of seals between both the plastic casing (18)/intermediate plastic member (20) and the intermediate plastic member (20)/soleplate (10), Cuzel et al. in view of Santiago et al. fully meets “the multifunction part (8) is in contact with the soleplate (2) through elastomer foam seals (84)” given its broadest reasonable interpretation.

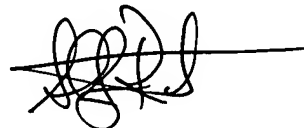


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen J Ralis  
Examiner  
Art Unit 3742

SJR  
September 20, 2007



TU BA HOANG  
SUPERVISORY PATENT EXAMINER